

EXHIBIT 2

COPY

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 Mario Manganiello,

PLAINTIFF,

4 -against-

5 THE CITY OF NEW YORK, a municipal corporation,
6 Commanding Officer of the 43rd precinct, Michael
7 Phipps, individually and as a New York City Police
8 Commander, Deputy Inspector McCarthy individually
9 and as New York City Police Inspector, Lieutenant
10 Harry Scott individually and as a New York City
11 Police Lieutenant, Sergeant Chris Napolitano
12 individually and as a New York City Police
13 Sergeant, Lieutenant John McGovern individually
14 and as a New York City Lieutenant, Detective
15 Joseph Dileo (Id. No. 912509) individually and as
16 a New York City Police Detective, Detective Shawn
17 Abate (Id.No.: 887084) individually and as a New
18 York City Police Detective, Detective Louis
19 Agostini (Id.No. 889648) individually and as New
20 York City Detective, PO Nathaniel Anthony (Id.No.:
3172) individually and as a New York City Police
Officer, PO Mario Peri (Id.No.:16404)individually
and as a New York City Police Officer, PO Keith
Walker (Id.No.:16610), PO Joseph Caciano
individually and as a New York City Police
Officers JOHN and JANE DOES, individually and as
New York City Police Officers, the number and
identity of whom is presently unknown, and RICHARD
and ROSE ROES, New York City Supervisory Police
Personnel individually and as New York City Police
Supervisory Officers,

DEFENDANTS.

21 DATE: November 9, 2004

22 TIME: 10:20 a.m.

23
24 (Continued on next page.)
25

MANGANIELLO

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1 the detective squad is to the left either. I know
2 we're up to the second floor I was following the
3 lieutenant and then he led us into the squad
4 office and then he directed me to where my brother
5 was sitting so I really don't know which way once
6 we got up to the second floor I went.

7 Q. When you first saw your brother was he
8 sitting at a table?

9 A. Yes.

10 Q. Was he handcuffed?

11 A. No, I don't believe he was, no.

12 Q. How did he look to you when you first
13 walked in?

14 A. He looked very upset, he looked a bit
15 disheveled, he had no uniform, he had no shirt on
16 I should say and he was sitting there in a T shirt
17 and he had attached to his chest, I don't know
18 what they call it but they looked like the sensors
19 for the EKG monitors attached to him or I should
20 say the stickers that they use to hold him down.

21 Q. I'm sorry?

22 A. I think it was actually the gluey
23 stickers that they use to attach the monitors he
24 still had stuck to him.

25 Q. When you say that he looked upset can

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MANGANIELLO

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1 and at that point I was contacting his attorney
2 and I told him to stop any questioning.

3 Q. What did Lieutenant Scott say, if
4 anything, to you?

5 A. He didn't have much to say at all
6 actually. He just kind of shrugged his shoulders
7 and walked away and that's when I went downstairs
8 and called our attorney.

9 Q. Who did you call?

10 A. I called Richard Ross.

11 Q. Did he represent your brother in the
12 criminal proceedings?

13 A. In the very early stages of it, yes.

14 Q. You said he's your family attorney?

15 A. I called our attorney, he's not really a
16 family attorney, he's just an attorney that I
17 called.

18 Q. Have you used him before?

19 A. No.

20 Q. Where was your father when you went out
21 to speak to Lieutenant Scott after seeing your
22 brother?

23 A. He came down with me I believe.

24 Q. How long did you speak to your brother
25 for at that point?

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MANGANIELLO

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1 during this conversation between Mr. Ross and your
2 brother and you?

3 A. No.

4 Q. Up to that point did anybody else
5 respond from the family to the precinct?

6 A. No.

7 Q. When Ross was speaking to your brother
8 what was your brother's demeanor?

9 A. See he was visibly upset.

10 Q. Was he crying?

11 A. He was very near crying.

12 Q. Can you be a little bit more specific.

13 A. You could say he was flushed, he was
14 upset about being there, about everything that had
15 happened.

16 Q. And then what happened after your
17 brother had told Ross what had happened thus far?

18 A. I think at that point Mr. Ross got up,
19 we went back out to speak with Lieutenant Scott,
20 Mr. Ross asked the lieutenant what the status was
21 of the case and at that point Lieutenant Scott
22 told him that he was being held in the
23 investigation, that he was going to be processed
24 later on that afternoon.

25 Q. Did you say anything in response to

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MANGANIELLO

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1 find out if I can go back up.

2 Q. Do you know the desk sergeant's name?

3 A. I honestly don't remember.

4 Q. Male or female?

5 A. It was a male.

6 Q. Race?

7 A. White.

8 Q. Do you know the shield number?

9 A. No.

10 Q. Okay.

11 A. I agreed to wait a while, at that point
12 I went back outside and I was getting ready to go
13 back into the car and then Lieutenant Scott came
14 outside.

15 Q. Outside of the precinct?

16 A. Outside of the precinct and.

17 Q. Were you in your car at that point?

18 A. No, I was just getting ready to go into
19 the car because I was getting ready to light
20 another cigarette actually and I was about to
21 smoke myself and I remember lighting a cigarette
22 while he was standing there and he approached me,
23 he says you know, this didn't have to go this way
24 and I said how do you mean, he says, he goes
25 you're a cop, he said to me, now you got your

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1 brother lawyered up and I'm looking and he says
2 let me ask you, what's the first thing that comes
3 to your mind when somebody lawyers up and I said
4 how do you mean, Lieutenant, he goes your
5 brother's in here, we're just talking to him,
6 we're trying to get some information about what
7 happened, some guy that works with him got shot,
8 he goes and you think that your brother would want
9 to cooperate but instead he goes, you get a
10 lawyer, what are we supposed to think. I said to
11 him well, I'll tell you the truth, Lieutenant,
12 quite frankly you weren't exactly forthright when
13 I came, you told me when he got here my brother
14 was assisting you and cooperating in the
15 investigation, it was very clear to me when I got
16 there that wasn't the case, you already had him
17 targeted as a suspect and you were treating him
18 like one so let me ask you if you were in my
19 position what would you have do so you mean to
20 tell me that because we exercised our rights now
21 that my brother is going to be looked at harder
22 now as a suspect, he goes what I'm trying to tell
23 you is that it doesn't look like good. I said
24 well, Lieutenant, I apologize, I'm sorry you feel
25 that way but I have to do what's in the best

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1 Q. But do you know or don't you know?

2 A. You mean the names of the streets
3 themselves?

4 Q. Yes.

5 A. No, I don't know.

6 Q. Did there come a time when you got off
7 of White Plains Road?

8 A. Did there come a time when I got off?
9 How do you mean?

10 Q. Did you get off a different street? You
11 said you were driving on White Plains Road. Did
12 you thereafter turn on to a different street?

13 A. I was on White Plains Road, I never got
14 an opportunity to get any further than I think
15 Bronxwood Avenue.

16 Q. Does that intersect with White Plains
17 Road?

18 A. I think so, yeah.

19 Q. Why didn't you get an opportunity to go
20 any further than Bronxwood Avenue?

21 A. I was stopped by the police.

22 Q. Prior to your stop from the time you
23 left the precinct to the time that you were
24 stopped by the police did you stop anywhere?

25 A. No.

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1 certain area of the Parkchester South
2 Condominiums?

3 A. They're assigned, I guess they're
4 assigned certain sectors, I didn't know where
5 specifically he was working that day.

6 Q. Prior to February 12, 2001 had you ever
7 visited Anthony at work while he was at
8 Parkchester South Condominiums?

9 A. Maybe once or twice in the past, long in
10 the past.

11 Q. You said the central office is on
12 Tremont Avenue. Do you know the names of any of
13 the streets that the Parkchester South
14 Condominiums are on?

15 A. I happen to know that one of them is
16 Metropolitan Avenue.

17 Q. Any others?

18 A. They encompass a very large area, I
19 don't know what their boundaries really are but I
20 know Metropolitan Avenue is one, I can't tell you
21 for certain, think that there's certain buildings
22 along Tremont Avenue but I can't be certain on
23 that. Other than that I'm really not very
24 familiar with the area.

25 Q. Are there any landmarks or restaurants

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1 around the Parkchester South Condominiums that
2 you're familiar with?

3 A. I'm familiar with they call it the
4 Metropolitan Oval, that's about the only one that
5 I know.

6 Q. What is the Metropolitan Oval?

7 A. I guess it's a circle in the middle of
8 the Parkchester I guess, one of their main roads.

9 Q. Is it a roadway?

10 A. Yes.

11 Q. When you left the precinct did you know
12 that you were going to end up driving by where
13 your brother's car was parked?

14 A. No, I didn't.

15 Q. Did you know where his car was parked?

16 A. No, I had no idea.

17 Q. When did you realize that you were
18 driving past your brother's car?

19 A. As I was driving along White Plains Road
20 I noticed a group of police officers and one or
21 two sector cars along the street and as I was
22 driving by my attention turned towards the police
23 officers and I looked and I noticed that they
24 seemed to be huddled around my brother's car at
25 that point and I really had no idea that it was

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1 parked there, it was just happenstance to drive
2 by.

3 Q. What's the name of your brother's car
4 that you're referring to?

5 A. Nissan Maxima.

6 Q. Do you know the year?

7 A. '98 I think.

8 Q. What's the color?

9 A. Black.

10 Q. How many doors?

11 A. Four-door.

12 Q. On February 12, 2001 were you in
13 possession of keys to the Nissan Maxima?

14 A. No, I was not.

15 Q. What do you mean that there were police
16 officers huddled around your brother's car?

17 A. There was police activity around the
18 car.

19 Q. Can you describe it.

20 A. Three or four cops standing around, a
21 couple of sector cars double parked in the street.

22 Q. These cars were marked?

23 A. Yes.

24 Q. When you say they were double parked
25 were they double parked up against your brother's

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1 Road, I think. I get them confused because
2 there's another road in Westchester County called
3 White Plains Post Road so I'm not sure if it goes
4 by the same name or not.

5 Q. Do you know if there's a White Plains
6 Post Road in the Bronx?

7 A. I really know it as White Plains Road,
8 I'm not certain if it uses that other part.

9 Q. And after passing your brother's car
10 approximately how far did you travel before you
11 were stopped by the police?

12 A. Quarter of a mile I guess give or take.

13 Q. How long did it take you to travel that
14 quarter of a mile before you were stopped?

15 A. Couldn't have been more than a minute or
16 so.

17 Q. How did you know that you were being
18 pulled over by the police?

19 A. Marked cars come up behind me with
20 lights and sirens.

21 Q. How many?

22 A. A few.

23 Q. How many?

24 A. A few.

25 Q. I'm not sure if I asked you but do you

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1 know approximately what time it was when you
2 passed by your brother's car?

3 A. Couldn't have been more than five or ten
4 minutes after I left the precinct so quarter to
5 three, 2:40, quarter to three, ten of, around
6 there somewhere.

7 Q. When you were being pulled over where
8 were the marked vehicles in relation to you right
9 before you actually pulled over?

10 A. Well, there were several cars, they all
11 kind of converged on me. They came from behind,
12 there was another car that was off to the side,
13 there was an unmarked that swooped around in front
14 of me to block me off, I think there was one other
15 car that came in from the opposite direction and I
16 remember coming to a stop and the only thing I
17 recall seeing was officers coming out of their
18 cars with their guns drawn.

19 Q. What do you mean there was a car coming
20 from the opposite direction?

21 A. Coming southbound on W'
22 towards me.

23 Q. How long did it take y
24 the side of the road after you f
25 police cars surrounding you?

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1 A. Parallel to me?

2 Q. Yes.

3 A. I don't recall seeing a car driving
4 parallel to me.

5 Q. Tell me what happened immediately after
6 you stopped the car.

7 A. I had put the window down, I placed the
8 car in park, I put the window down and I'm looking
9 in the rear view mirror and I'm seeing the
10 officers in a crouched position behind their car
11 at gunpoint ordering me to place my hands outside
12 the car window and not to move. The only thing
13 that I could think of doing at that time was
14 telling them that, I was shouting through the car,
15 I just said I just came from your precinct and I
16 yelled over to them that I was a police officer
17 and I had just come from their precinct and all
18 they kept doing was telling me not to move, keep
19 your hands out of the car and then a few moments
20 later they approached me, they opened the door,
21 they grabbed me by my arms, pulled me out of the
22 car, put my arms over the hood of the car, a few
23 officers went over to the passenger side, pulled
24 my dad out of the car, did the same thing to him
25 and they began to search me and all along I was

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1 what's the matter.

2 Q. Where was your firearm on your person?

3 A. My pocket.

4 Q. Which pocket?

5 A. Right front pocket.

6 Q. Which article of clothing?

7 A. My pants.

8 Q. I think you indicated your badge was in
9 your wallet, right?

10 A. Yes.

11 Q. Did you observe what the officers did
12 with your firearm at the scene?

13 A. Well, at some point a little bit later
14 Detective Agostini and Abate arrived on the scene
15 along with a female in plain clothes who
16 identified herself as a deputy inspector.

17 Q. What was her name?

18 A. She told me her name was McCarthy.

19 Q. But what does that have to do with the
20 firearm?

21 A. When the officer retrieved the gun he
22 walked back to his car.

23 Q. Is this one of the two who retrieved the
24 gun?

25 A. The one that stopped me initially.

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1 A. He was a tall fellow, he was about six
2 feet, male white, I recall he had a turtleneck on
3 for his uniform and like a dark, not dark but like
4 a reddish kind of brown hair.

5 Q. Do you know what his name was?

6 A. I can't remember.

7 Q. How about his shield number?

8 A. No.

9 Q. Approximate age at the time?

10 A. Late 20s maybe, early 30s.

11 Q. How about the patrol sergeant,
12 approximately what was his age?

13 A. I would say he was in his early to mid
14 30s.

15 Q. I don't think I inquired but the two
16 officers that initially took you out of the car,
17 what were their approximate ages?

18 A. They seemed to be in their mid 20s.

19 Q. What was their rank?

20 A. They were police officers.

21 Q. Where were you standing when you spoke
22 to the patrol sergeant?

23 A. I'm sorry?

24 Q. Where were you standing when you spoke
25 to the patrol sergeant?

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1 A. I was standing outside the car.

2 Q. Were your hands still up on the roof of
3 the vehicle?

4 A. No, at that point I had turned around
5 and I was leaning up against the car.

6 Q. Were you handcuffed?

7 A. No.

8 Q. When you were taken out of the car were
9 you hurt physically?

10 A. No, I mean I was manhandled but I
11 wouldn't say that I was physically hurt.

12 Q. What do you mean by manhandled?

13 A. They pulled me out by my arms and they
14 were a little abrupt and aggressive placing me
15 over the hood of the car.

16 Q. They put your hands on the hood of the
17 car?

18 A. It was the two officers.

19 Q. Is it the roof or hood of the car?

20 A. I meant to say the roof of the car,
21 maybe I misspoke.

22 Q. What do you mean they were abrupt?

23 A. Well, they were aggressive in their
24 approach, they pulled me out of the car, they
25 grabbed me by my arms, they ordered me to turn

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1 around and they were forceful in their actions and
2 they placed my hands over the hood of the car and
3 then, you know, the one foot came in between my
4 two to keep my legs apart and they had to frisk me
5 and search me.

6 Q. Did you feel like that was
7 inappropriate?

8 A. I did because I didn't know the reason
9 why they had stopped me and I didn't believe that
10 I had committed any traffic infractions and in
11 particular the entire time I identified myself as
12 a police officer and I thought I was being
13 cooperative with them from the moment they had
14 stopped me so I was actually surprised and puzzled
15 about the entire thing. I couldn't understand why
16 they stopped me.

17 Q. The way they took you out of the car
18 though you didn't understand why they were doing
19 what they were doing was it inappropriate in the
20 way that they took you out of the car?

21 MR. WOLTER: Objection as to form. You
22 can answer.

23 A. I believe it was inappropriate, yes.

24 Q. How?

25 A. Because there was no reason for them.

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1 Q. Besides --

2 A. What's inappropriate is the fact they
3 pulled me out of the car to perform a search of my
4 person for no clear reason, there was no laws that
5 were broken, there were no violations committed.
6 I can't go to work and pull people out of their
7 cars because I am at a traffic stop and just
8 search them and manhandle them. That's not
9 appropriate police behavior.

10 Q. Did they cause you physical injury the
11 way they touched you?

12 A. It didn't cause me physical injury but
13 it was aggressive and I was manhandled.

14 Q. Immediately after speaking to patrol
15 sergeant you came to McCarthy next?

16 A. Yes.

17 Q. Do you know where she came from?

18 A. I have no idea. She was in a marked
19 car, she pulled up on the scene and her and
20 Sergeant McGovern were there at the same time.
21 Whether they came in the same car I don't know but
22 they arrived at the same time.

23 Q. Who is Sergeant McGovern?

24 A. I guess he's one of the sergeants
25 assigned to the detective bureau at the 43.

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1 Q. The parts where she didn't do the
2 talking what was said to you?

3 A. Actually she did all of the talking.
4 Let me rephrase that, I apologize.

5 Q. Did she ask you any additional questions
6 other than which you spoke about today?

7 A. At that point I asked her what it was
8 that I was being stopped for and she had no answer
9 for me, she goes you know we're conducting an
10 investigation into a shooting, I understand that,
11 I was at the precinct for a couple of hours with
12 my brother and I met Lieutenant Scott, what does
13 this have to do with me, well, we'd like you to
14 come back with us, I asked why you need me to come
15 back, we need you to come back with us so
16 Inspector, is there any reason why I can't go home
17 and she goes I don't think that's going to work
18 right now.

19 I asked am I under arrest, she goes
20 really technically you're not, I said then I'm
21 free to go, not exactly was her response. I said
22 if I'm not free to go, Inspector, then I have to
23 presume that I'm under arrest, like I said
24 technically. Inspector, what am I being charged
25 with, well, at this point I can't say, the

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1 matter's under investigation, then I asked her, I
2 said Inspector, I'll tell you what, I said I don't
3 know what it is that you need me for, what you
4 want, I know right now you're in possession of my
5 firearm, you also have my identification, I said
6 I've committed no crime that I'm aware of, no
7 vehicle infraction I was aware of, I was at your
8 station house for the better part of the morning
9 into the afternoon, I said I just left, I was in
10 contact and spoke with Lieutenant Scott who
11 apprised me of the investigation what's going on,
12 I said my brother's currently in custody, what is
13 it that you want from me, I said I have no
14 involvement in the matter other than coming down
15 to the station out of concern for my brother. I
16 said at this point I need to get my dad home
17 because he needs to take his medication because he
18 has some physical ailments, he needs to have his
19 medicine and he hasn't had it all day long. He
20 was standing in the freezing cold for almost 40,
21 45 minutes, you have my father in poor health and
22 you have yet to explain to me the reason I'm being
23 stopped, if I'm not under arrest I'm getting back
24 into my car and I'm going home.

25 At that point I started to walk over

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1 towards the car and that's when Detective Abate
2 grabbed my arm with one of the officers and they
3 stopped me and then she turned to me and said who
4 is your commissioner at the Mt. Vernon Police
5 Department and I told her the name of my
6 commission and at the time it was Gertrude
7 Laforgis and the inspector's response to me is
8 that if I'm not mistaken Gertrude was once the CO
9 of the 43rd, I don't think she'll be too happy to
10 hear about you not wanting to cooperate with us.
11 At that point I responded to her and I said it has
12 nothing to do with not wanting to cooperate with
13 you, you're telling me that I have to come back
14 with you and I can't go home so as far as I'm
15 concerned I'm under arrest. Unless you tell me
16 what I'm charged with I have to reason, however
17 for the sake of cooperation what I will do and I
18 will offer to do if you allow me to drive my dad
19 home, drop him off at home so he can take his
20 medication and he could do what he has to do I
21 will gladly return with you, I will turn back to
22 the station either by myself or accompanied by one
23 of your officers, just to have my father here I'm
24 really concerned for his health. She says that's
25 not going to work, we'll take him back, we'll give

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him whatever he needs. Are you telling me whatever I can't go, she goes I need you to get back with us.

At that point McGovern and one other detective escorted me on either side of me and placed me inside of one of the unmarked police cars and drove me to the station. My father went into a separate car, not knowing what happened or why he was being brought back to the station and we were brought back to the detective squad's office.

Q. Let's hold on right there. You said that when McCarthy was speaking to you you walked toward your car; is that correct?

A. I was standing by the car and I motioned as if I was going to get back to the car because my answer to her was if you're telling me I'm not under arrest and I'm not being charged with any crime, then I'm free to go so I want to go home and when I tried to get back into the car they stopped me and then that's when they escorted me to the police car.

Q. You said Detective Abate and another officer grabbed your arm?

A. Yes.

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1 Q. The one who told you you couldn't use
2 the cell phone?

3 A. Right. I got up at one point because I
4 wanted to use the bathroom and I walked out and
5 the moment I stepped out of that office he came
6 back around and told me to get back and sit down,
7 not to move.

8 Q. Did you ask him to use the bathroom?

9 A. Yes.

10 Q. And what did he say?

11 A. He said just sit down, I'll be right
12 with you and nobody ever came back in.

13 Q. And you said that two captains showed up
14 from your place of work?

15 A. Yeah.

16 Q. Who were those two people?

17 A. Captain Roland and Captain Kelly.

18 Q. Who was the second one?

19 A. Captain Roland and Captain Kelly.

20 Q. What's Captain Kelly's first name?

21 A. Robert.

22 Q. How do you know they were at the
23 precinct?

24 A. They walked right by the room where I
25 was sitting when they came in.

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1 was?

2 A. I think it was white I think, I can't be
3 certain.

4 Q. The two officers that you were referring
5 to, are these two that officially took you out of
6 the Monte Carlo?

7 A. Yes.

8 Q. What else did they do, what else did
9 they do? Did they fill out any other forms?

10 A. They filled out and they left, I asked
11 what now and they said somebody will be in here in
12 a little while and then walked out and we had just
13 sat there again waiting.

14 Q. Did they say anything else to you?

15 A. No. I remember asking them if we're
16 charged with anything, are they going to hold me
17 tonight and one of them said I really don't know
18 what's going on, I was just told to come in here
19 and do this and he walked out.

20 Q. Did he say anything else? Did he tell
21 you who told him to do that?

22 A. No.

23 Q. After they left what happened?

24 A. Sat and waited.

25 Q. Can you describe that room for me, the

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1 cooperating as a witness, lead me upstairs, I find
2 my brother sitting in chair with no clothes
3 clearly being treated like a perp and then you're
4 telling me I'm the bad guy, this is the
5 conversation between the lieutenant and I, then
6 when I try to leave here you get dragged, you
7 notify my department, my job, you take me off the
8 job, keep me from bringing my father home without
9 food, medication, I couldn't go to the bathroom, I
10 was trying to make a phone call, I got people
11 telling me, yelling at me I can't move and now I
12 can go home.

13 This whole thing could have gone a lot
14 easier, you got the lawyer, we can't talk to him,
15 all we really wanted to do was take a look inside
16 the car, take a look inside what car, I said you
17 have the car right there, I'm sure you took all
18 the looks you needed, no I'm talking about the
19 other car that he has because now he's got the
20 lawyer we have to go through all sorts of motions
21 and I'm staring at them saying how does it this
22 become my problem, I said you feel that you have
23 something here I said go to the DA, draw up your
24 affidavits, get your papers, get your search
25 warrants and do what you have to do, that was the

TRI STAR REPORTING 1631 224 50541 ***** SUITES IN ALL BOROUGH

MANGANIELLO

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1 Sergeant McGovern was there and as soon as he saw
2 me walk back in he yelled over I think to
3 Detective Agostini to escort me out of the office.

4 Q. And what happened?

5 A. I asked him, I said what's the problem,
6 he goes I want you to leave, I don't want you
7 here, I said I was told that I could come back and
8 bring him food, he said your father and your
9 sister could bring him food, I want you to go and
10 Detective Agostini escorted me out he was abrupt.

11 Q. He said Detective Agostini brought you?

12 A. Yes.

13 Q. You said Detective Agostini was abrupt?

14 A. Yes.

15 Q. How was he abrupt?

16 A. Grabbed me by my arm leading me out and
17 I told him take your hands off me not to touch me.

18 Q. Where were your sister and your dad?

19 A. They were in the squad room.

20 Q. And what happened after you said that to
21 him?

22 A. He just walked me out and I waited
23 outside in the hallway.

24 Q. Did you see what was going on?

25 A. I couldn't see at that point any more,

TRI STAR REPORTING (621) 334-5051 ***** SUITES IN ALL BOROUGHES

MANGANIELLO

199

1 Q. When you asked him, maybe not
2 specifically but when you tried to bring up the
3 topic why he failed to acknowledge you at the 4-3
4 on February 2001 what was his response, if any?

5 A. He didn't really didn't have any.

6 Q. He had no excuse?

7 A. No.

8 Q. Did he indicate whether there was going
9 to be an investigation regarding your locker?

10 A. He told me he would look into it.

11 Q. What happened with that?

12 A. Nobody said nothing to me about it.

13 Q. To date no one?

14 A. No.

15 Q. Did you follow up?

16 A. No, but I probably should have and I
17 didn't. I basically came to the conclusion that
18 they had probably searched my locker somehow
19 related with everything that had happened and I
20 personally went around and I asked some folks if
21 they had any knowledge of it and everybody denied
22 knowing what it was about.

23 Q. Outside of Captain Roland and Captain
24 Kelly who else knew about your detention on
25 February 12, 2001?

TRI-STAR REPORTING {631-224-5054} ***** SUITES IN ALL BOROUGHES

MANGANIELLO

200

1 A. Everyone.

2 Q. Everyone?

3 A. Everyone.

4 Q. Who did you tell at work?

5 A. I told no one.

6 Q. How is it that everybody has come to

7 find out? Do you literally mean everybody?

8 A. I literally mean --

9 MR. WOLTHER: Objection as to form.

10 What was the question?

11 MS. GUGEL: Your client seems to know.

12 MR. WOLTHER: Read it back.

13 MS. GUGEL: He answered.

14 MR. WOLTHER: I don't know what the

15 question was.

16 MS. GUGEL: How did everyone literally

17 come to find out about his detention on

18 February 12, 2001 I'm talking about everyone,

19 I'm talking about work, we're even talking

20 about work here.

21 A. How did they come to know?

22 Q. Yes.

23 A. Word of mouth, rumor.

24 Q. Did you determine --

25 A. Innuendo, there's a day book entry

*TRI-STAR REPORTING {631-224-5054} ***** SUITES IN ALL BOROUGHES*

MANGANIELLO

214

1 Q. Do you know --

2 A. I believe he placed two on the list or
3 currently he's number two.

4 Q. What do you mean currently? You mean on
5 the list for lieutenant promotions?

6 A. Yes.

7 Q. As far as the exam, the woman promoted
8 to lieutenant, did she score better than you?

9 A. Yes, she did.

10 Q. Let's talk about the assignments. What
11 assignments can you recall that you've been passed
12 over and you think were somehow related to your
13 detention in February of 2001?

14 A. There was an assignment that
15 traditionally was always given to a sergeant and
16 usually went to somebody who was senior in rank.
17 It was a plain clothes detail in the street crime
18 unit.

19 Q. When was that detail given?

20 A. I think back in, I don't remember when,
21 I think it was in '02 some time.

22 MR. WOLTER: For the record, it's 4:26.

23 (Whereupon, a brief break was taken.)

24 MS. GUGEL: Mark the amended complaint

25 Defendants' Exhibit A.

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1 (Whereupon, the aforementioned amended
2 complaint was marked as Defendants' Exhibit A
3 for identification as of this date by the
4 Reporter.)

5 MR. WOLTER: It's 4:34.

6 Q. We were talking about being passed over
7 for assignments and you indicated that there's a
8 detail back in 2002, plain clothes detail street
9 crime unit, right?

10 A. Yes.

11 Q. Do you have to apply for that detail?

12 A. Normally no, it's normally given to
13 someone with seniority and grade and if possible
14 with some prior experience in that line.

15 Q. What grade are you --

16 A. Of work.

17 Q. What grade are you? Are you graded as a
18 sergeant?

19 A. No, it's only time and years.

20 Q. So not all sergeants are eligible for
21 this assignment?

22 A. Well, it's traditionally and I guess
23 lack of better word historically always been given
24 to a sergeant, a sergeant who had some experience
25 in rank and experience in doing that type of work.

TRI STAR REPORTING (621 224 5054) ***** SUITES IN ALL DOMAINS

MANGANIELLO

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1 street crime unit?

2 A. It was about a year, a little bit less
3 than a year.

4 Q. When was that?

5 A. 1988.

6 Q. The lieutenant that had received this
7 plain clothes detail in the street crime unit
8 assignment, do you know whether that person has
9 ever been in the street crime unit?

10 A. I believe he was, yes.

11 Q. Do you know how long he was in the
12 street crime unit?

13 A. It was probably prior to me even coming
14 on the job.

15 Q. How long had that person been on the
16 job, if you know?

17 A. I think currently he has about 27 years.

18 Q. How long did that detail last for, if
19 you know?

20 A. Well, he just recently came out of it
21 himself and he was in it for well over two years
22 and they've given it to another sergeant.

23 Q. How much time, if any, have you missed
24 from work to attend your brother's criminal
25 proceedings?

THE CLERK REPORTING (001 004 0054) ***** QUITTED ALL DOBOLICH

MANGANIELLO

238

1 Q. Do you know whether you've had an
2 opportunity to read the amended complaint in this
3 case?

4 A. Yes.

5 Q. Have you in fact read the amended
6 complaint?

7 A. Yes.

8 Q. When was the last time you reviewed the
9 amended complaint?

10 A. It was yesterday afternoon.

11 Q. And did you review it for accuracy?

12 A. Yes.

13 Q. Did you find anything that wasn't
14 accurate in the amended complaint?

15 A. I don't believe so.

16 Q. As a result of your detention in
17 February of 2001 did you suffer any physical
18 injuries?

19 A. Depends on what you consider physical
20 injuries.

21 Q. What do you have in mind?

22 A. I've been experiencing episodes of
23 dizziness and palpitations that come and go
24 periodically.

25 Q. Anything else physically?

TRI-STAR REPORTING {631-224-5054} ***** SUITES IN ALL BOROUGHES

MANGANIELLO

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1 A. Physically?

2 Q. Yes.

3 A. Light-headedness, headaches.

4 Q. Anything else?

5 A. That's pretty much it.

6 Q. Let me go back a little bit through your

7 medical background and then we're going to work

8 our way over to the physical injuries that you

9 allege you've suffered. Do you wear glasses?

10 A. No.

11 Q. Do you wear contacts?

12 A. No.

13 Q. Are you currently suffering from any

14 vision problems?

15 A. No.

16 Q. Do you currently suffer from any hearing
17 problems?

18 A. No.

19 Q. Do you have any medical conditions
20 currently?

21 A. † Yes.

22 Q. What are those?

23 A. The ones I just described to you.

24 Q. Do you suffer from any chronic

25 illnesses?

MANGANIELLO

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1 A. No.

2 Q. Are you currently on any medications?

3 A. Yes.

4 Q. What are you currently on?

5 A. I take Norvasc and Letreo and
6 periodically I take Mecliziye.

7 Q. Can you spell that?

8 A. M-E-C-L-I-Z-I-Y-E.

9 Q. Is that currently?

10 A. And Nexium tablet.

11 Q. Spell that.

12 A. N-E-X-I-U-M.

13 Q. Anything else?

14 A. That's it.

15 Q. The Norvasc, what is that used to treat?

16 A. It's to control blood pressure.

17 Q. And how long have you been on that?

18 A. I think about two years now.

19 Q. Do you have hypertension?

20 A. I don't know if it was characterized as
21 hypertension. I get episodes of, I get these
22 spells, the doctor believes that they're anxiety
23 attacks where my blood pressure just raises for no
24 explained reason. I become very light-headed and
25 dizzy.

MANGANIELLO

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1 Q. Have you ever had a heart attack?

2 A. No.

3 Q. Do you suffer from diabetes?

4 A. No.

5 Q. Had you ever suffered from chest
6 discomfort prior to spring of 2001?

7 A. No.

8 Q. As far as the dizziness goes did you
9 seek medical treatment for that?

10 A. Not initially in the beginning no.

11 Q. When did you first seek medical
12 treatment?

13 A. When I started realizing that it was an
14 on going problem and I wasn't able to control or
15 even understand what brought it on.

16 Q. And who did you first see about the
17 dizziness?

18 A. I think the first time I brought any
19 attention to it was by taking a trip to the ER.

20 Q. Which was when approximately?

21 A. I think it was St. John's in Yonkers.

22 Q. Do you know when, month and year?

23 A. I recall I think it was February, no,
24 October I think, I couldn't tell you with
25 certainty. I know I have copies of medical

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1 records and things but I can't remember off the
2 top of my head now.

3 Q. You do? You have copies of your medical
4 records?

5 A. Some papers, some documents, not
6 everything. I'm going to rephrase what I'm
7 saying. I don't mean medical records, I mean the
8 Blue Cross, the health care documents that I get
9 in the mail from my insurance, you know, the ones
10 that tell you the date of service, that's what I
11 meant.

12 Q. Are you in possession of any documents
13 that contain any of the names of the individual
14 defendants in this case?

15 A. Documents meaning?

16 Q. Do you have any documents that have the
17 names of any of the individual defendants on them?

18 A. No other than I saw the initial
19 complaint that was drawn up at one time but I
20 don't have any documents with their names on it
21 though.

22 Q. When did you first seek treatment
23 regarding the palpitations that you were
24 experiencing?

25 A. That had to be when I went to the

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1 Q. Had you ever been told prior to 2001
2 that you may be suffering from anxiety attacks?

3 A. No.

4 Q. Besides treating you with Paxil did
5 Dr. Singh say anything else that you could do to
6 improve I guess your quality of life?

7 A. They all tell you the typical things,
8 they tell you to watch what you eat. I had gained
9 weight considerably, I was always kind of a big
10 guy but from I would say 2001 up until last year
11 or the year before that I wound up going up 50, 75
12 pounds. They tell you to watch your weight, watch
13 your diet, typical things doctors tell you to do.

14 Q. Is there any reason why your weight
15 increased in the past couple of years?

16 A. I don't know what to say about it. It's
17 just something, it just happened, it just
18 happened.

19 Q. Currently how much do you exercise, if
20 at all?

21 A. Well, I've been starting to walk more
22 frequently in the last few months but no real
23 exercise plan that I'm on now.

24 Q. In 2001 did you exercise?

25 A. Not really.